

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Sri S. Anand Kumar S/o Virupakshi R/o Aloor (Village) of Ghattu (M), Mahabubnagar District, under Rule 11 of the AP SCs,STs & BCs Issue of the community, Nativity & Date of Birth Certificate Rules,1977 against the Proceedings No. C2/6766/2006,dated. 22-12-2007 of the Collector and District Magistrate,Mahabubnagar – Rejected – Orders – Issued.

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BACKWARD CLASSES WELFRARE (C1) DEPARTMENT

G.O.Rt.No. 30

Dated: 31-1-2009

Read the following:

- 1) From the Collector & District Magistrate,Mahabubnagar District, Proceedings No. C2/6766/2006,dated. 22-12-2007
- 2) From Sri S. Anand Kumar S/o Virupakshi R/o Aloor (Village) of Ghattu (M), Mahabubnagar District,,Appeal Petition Dt.29-1-2008
- 3)Govt.Memo.No.973/C1/2008, dated. 21-6--2008.
- 4) From the Collector & District Magistrate,mahabubnagar District, No. C2/6766/2006,dated. 26-7-2008
- 5) Govt.Memo.No.973/C1/2008, dated24-11-2008,6-12-2008,12-12-2008, 1-1-2009.

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ORDER:

The Collector & District Magistrate, Mahabubangar District in his Proceedings 1<sup>st</sup> read above, has cancelled the B.C. Certificate issued by the Mandal Revenue Officer, Gadwal , in favour of Sri S. Anand Kumar S/o Virupakshi R/o Aloor (Village) of Ghattu (M), Mahabubnagar District .

2. Aggrieved by the orders of the District Collector, Mahabubangar District, in the proceedings 1<sup>st</sup> read above, Sri S. Anand Kumar S/o Virupakshi R/o Aloor (Village) of Ghattu (M), Mahabubnagar District in the reference 2<sup>nd</sup> read above, has filed an Appeal petition before the Government on 29-1-2008 under Rule 11 of the AP SCs,STs & BCs Issue of the community, Nativity & date of Birth Certificate Rules,1977, and requested to suspend the orders passed by the District Collector, Mahabubangar District , pending disposal of the Appeal Petition and pass such other suitable order or orders in the circumstances of the case.

3.The Appeal Petition filed by S.Anand Kumar in the reference 2<sup>nd</sup> read above was taken on file on 9-6-2008 and called for the records in the reference 3<sup>rd</sup> read above.

4. The brief facts of the case are that a complaint was filed by Sri Govindu S/o EdannaR/o Aloor (V), Ghattu (M), Mahabubnagar District before the Government of Andhra Pradesh against the Caste status of Sri S. Anand Kumar S/o Virupakshi R/o Aloor (Village) of Ghattu (M), Mahabubnagar District In the compliant he has stated that Sri S. Anand Kumar who belongs to Baliija , a forward caste, had obtained “ Vada Baliija” BC-A Caste Certificate vide MandalRevenueOfficer.,Gadwal Reference No.D/2723/1992, dated. 20-06-1992 by misrepresenting the facts.

5. On receipt of the above complaint , the Collector& District Magistrate, Mahabubangar District had requested the Revenue Divisional Officer, Gadwal, and the Mandal Revenue Officer, Ghattu. for re-verification and to offer their remarks.

6. The Enquiry Report of the Mandal revenue Officer. Gattu and Revenue Divisional Officer, Gadwal, revealed that Sri S.Anand Kumar S/o Virupakshi is originally R/o Alur (V) of Gattu (M) and his family members are financially sound and the family of Sri S.Anand Kumar originally belongs to “BALIJA” Caste. It is further reported that Sri S.Anand Kumar has obtained “VADA BALIJA” Caste Certificate from the Mandal revenue Officer, Gadwal vide reference No.D/2723/1992, dated. 20-06-1992, though he is native of Alur (Village) in Gattu (m) .

(P.T.O)

7. The District Level Scrutiny Committee opined that the “VADA BALIJA” Caste people generally resides in the seashore and Coastal areas and appellant herein could not be able to express the traditions and functions of “VADA BALIJA” Caste. The “VADA BALIJA” Caste does not prevail in Mahabubnagar District. The enquiry reports of the Mandal Revenue Officer Gattu and Revenue Divisional Officer Gadwal reveals that “VADA BALIJA” Caste is not existing in Gattu (M) and only “BALIJA” Caste people are residing. In the local enquiry conducted in the village the Villagers have stated that the appellant and his family members belongs to “BALIJA CASTE” only. The District Level Scrutiny Committee has finally opined that the appellant herein has managed to get the bogus Caste Certificate of “VADA BALIJA” Caste suppressing the facts and hence recommended for its cancellation. After having gone through the material available on record and as per the recommendation made by the District Level Scrutiny Committee, the false “VADA BALIJA” (BC-A) Caste Certificate issued to Sri S.Anand Kumar S/o Virupakshi R/o Alur (VG) of Gattu (M) has been cancelled by the District Collector, Mahabubnagar vide Progs. No.C2/6766/2006, dated. 22-12-2007.

8. The Petitioner in his Appeal Petition dt.29-1-2008 has submitted the following grounds viz.:-

1)The District Collector, Mahabubnagar District ought to have seen that the appellant belongs to ‘Vada Baliya’ Caste, in terms of G.O.Ms.No.1793, dated 23-9-1979 and G.O.Ms.No.967, G.A.D. dated 27-9-1979, the caste is shown as a backward caste.

2)The District Collector, Mahabubnagar District ought to have seen that the appellant has settled in Gadwal since his child hood, and therefore, it is obvious that the caste certificate could only be secured from the competent authority of that area. The Mandal Revenue Officer., issued the certificate after following the due procedure as contemplated under the Act.

3)The Collector, Mahabubnagar District grossly erred in taking in to account the findings of the Committee that ‘Vada Baliya’ Caste does not prevail in Mahabubnagar District. The District Collector, Mahabubnagar failed to look into the documentary material filed by the appellant herein to show that caste certificates were issued to many persons under ‘Vada Baliya’ caste and those persons are residents of Ghattu and Gadwal Mandals of Mahabubnagar District. There is absolutely no reference to the said documents filed by the appellant herein.

4)The Collector, Mahabubnagar District grossly erred in taking note of all alleged local enquiry of the Mandal revenue Officer., conducted in the village. It is not stated as to whether any villagers have been examined and in which village the enquiry was conducted and as to how many persons were examined. No copy of the proceedings of the alleged enquiry is given to the appellant herein and therefore basing its findings on the alleged enquiry, is wholly un-sustainable and untenable.

5) The Collector, Mahabubnagar District ought to have seen that the caste certificate obtained was in the year 1992 i.e., during the period when the appellant pursued his education. Therefore, its genuineness cannot be doubted. Sri Govindu S/o Edanna has filed the complaint as well as petition before the Election Tribunal with ill motive and to blackmail the appellant.

6) The Collector, Mahabubnagar District grossly erred in taking note of the observation of the District Level Scrutiny Committee that the appellant has not filed any valid documentary evidence. As a matter of fact, the appellant had filed documents of caste certificates issued in favour of some persons who are residents of Mahabubnagar District of deferent Mandals

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9. Therefore he prayed that the Hon'ble Authority may be pleased to set aside the Order & notification on the file of the District Collector, Mahabubnagar No.C2/6766/2006, dated. 22-12-2007. , in the interests of justice, and pass such other or further orders as are deemed fit and proper in the circumstances of the case.

10. The Appeal Petitioner viz., Sri S.Anand Kumar has been requested to attend the hearing on 24-11-2008, 6-12-2008, 12-12-2008 before the Government in person or through his Counsel through the Govt Memo 5<sup>th</sup> read above which has been sent to the Appeal petitioner through the Collector, Mahabubangar District through speed post. and the case has been heard on 20-1-2009 before the Government.

11) The Government, after careful examination of the records, and also the averments made by the Appeal Petitioner before the Government on 20-1-2009 is of the opinion that Sri S.Anand Kumar S/o Virupakshi R/o Alur (VG) of Gattu (M) ,Mahabubangar District belongs to Balija, a forward caste and obtained "Vada Balija", BC-A Caste Certificate from Mandal Revenue Officer Ghattu, Mahabubangar District fraudulently. It has been decided that the proceeding No. No.C2/6766/2006, dated. 22-12-2007. issued by the District Collector, Mahabubangar holds good.

12. Accordingly, the Appeal Petition filed by Sri S.Anand Kumar S/o Virupakshi R/o Alur (VG) of Gattu (M) ,Mahabubangar District in the reference 2<sup>nd</sup> read above is hereby rejected.

13. The original records containing CF pages from 1-151 received through the reference 4<sup>th</sup> read above are returned here with to the District Collector, Mahabubangar District and the receipt of the same may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.SATYANARAYANA RAO  
SECRETARY TO GOVERNMENT

To:

1. S.Anand Kumar S/o Virupakshi R/o Aloor (V), Ghattu (M), Mahabubnagar District.
2. Govindu, S/o Edanna R/o Aloor (V), Ghattu (M), Mahabubnagar District.
3. The Collector & District magistrate, mahabub nagar 1
3. The Director, B.C.Welfare, Hyderabad.
4. The P.S. to M (BCW)

SF/SC

//FORWARDED BY ORDER//

SECTION OFFICER